

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AVENTIS PHARMACEUTICALS INC. and
SANOFI-AVENTIS US LLC,

Plaintiffs,

v.

BARR LABORATORIES, INC.,

Defendant.

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C.A. No. 06-286 (GMS)

STIPULATED ORDER ON FINAL DEPOSITION DESIGNATIONS

WHEREAS, the Final Pretrial Order in this patent infringement action was filed on April 7, 2008 (*see* D.I. 163) and included a list of all depositions, or portions thereof, to be read into evidence on behalf of Plaintiffs (attached to the Final Pretrial Order as Appendix I), and a list of all depositions, or portions thereof, to be read into evidence on behalf of Defendant (attached to the Final Pretrial Order as Appendix J);

WHEREAS Plaintiffs and Defendant subsequently reduced their designated deposition testimony and corresponding counter-designations, and were directed by the Court to provide the Court with this stipulated itemization of the reduced designations and counter-designations which were admitted by the Court on May 22, 2008 (*see* Tr. 832:24 to 834:23);

WHEREAS, Appendix I and Appendix J to the Final Pretrial Order no longer accurately identify the designated deposition testimony that is part of the trial record;

WHEREAS, Plaintiffs have amended Appendix I to identify the final designated deposition testimony that is in the trial record on behalf of Plaintiffs (attached hereto as Amended Appendix I and provided separately in video format);

WHEREAS, Defendant has amended Appendix J to identify the final designated deposition testimony that is in the trial record on behalf of Defendant (attached hereto as Amended Appendix J and provided separately in hard copy);

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that the Amended Appendix I and the Amended Appendix J, both of which are attached hereto, represent an accurate itemization of the designated deposition testimony that is part of the trial record in this case, and that the Final Pretrial Order (D.I. 163) is amended accordingly.

ASHBY & GEDDES

/s/ John G. Day

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Wilmington, DE 19801
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*Attorneys for Defendant,
Barr Laboratories, Inc.*

SO ORDERED this _____ day of _____, 2008.

UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AVENTIS PHARMACEUTICALS INC. and
SANOFI-AVENTIS US LLC,

Plaintiffs,

v.

BARR LABORATORIES, INC.,

Defendant.

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C.A. No. 06-286-GMS

APPENDIX I

**DEPOSITIONS TO BE READ INTO THE RECORD
ON BEHALF OF PLAINTIFFS**

AMIRA ZEEVI – June 20, 2007 Deposition

Designation Start	Designation End	Defendant's Objections to Plaintiffs' Designations	Defendant's Counter- Designations	Plaintiffs' Objections to Defendants Counter-Designations	Plaintiffs' Counter-Counter Designations
6:12	7:13				
12:15	13:7				
13:19	14:6				
14:16	14:19				
15:4	15:13				
16:14	17:6				
30:4	30:5	Vague; Beyond the Scope of the 30(b)(6)			

Designation Start	Designation End	Defendant's Objections to Plaintiffs' Designations	Defendant's Counter-Designations	Plaintiffs' Objections to Defendants Counter-Designations	Plaintiffs' Counter-Counter Designations
30:8	30:10	Vague; Beyond the Scope of the 30(b)(6)			
30:12	30:20	Vague	32:1-32:23		
61:12	61:16	Asked and Answered			
61:18	61:21	Vague; Asked and Answered			
61:23	61:24	Vague			
62:3	62:4	Asked and Answered			
62:6	62:7	Asked and Answered			
62:14	63:4	Vague; Calls for a Legal Conclusion			
63:7	63:19	Vague; Calls for a Legal Conclusion; Mischaracterizes Previous Testimony			
63:22	63:25	Lack of Foundation; Mischaracterizes Previous Testimony			
64:3	64:22	Argumentative; Lack of Foundation; Mischaracterizes Previous Testimony; FRE 402/403			
64:25	65:8	Lack of Foundation; Argumentative; FRE 402/403			
65:11	65:21	Argumentative; Calls for Speculation; Vague; FRE 402/403			
65:25	66:7	Beyond the Scope of the 30(b)(6); FRE 402/403			
66:16	66:17				
66:20	67:2	Beyond the Scope of the 30(b)(6); FRE 402/403			
67:5	67:13	Beyond the Scope of the 30(b)(6); FRE 402/403; Asked and Answered			
67:15	67:23	Asked and Answered			
67:25	68:5	Argumentative			
68:7	68:8	Argumentative; Vague; Beyond the Scope of the 30(b)(6); FRE 402/403			
78:25	79:24	Argumentative			

Designation Start	Designation End	Defendant's Objections to Plaintiffs' Designations	Defendant's Counter-Designations	Plaintiffs' Objections to Defendants Counter-Designations	Plaintiffs' Counter-Counter Designations
80:1	80:6	Argumentative			
80:17	80:18	Asked and Answered			
80:20	81:5	Asked and Answered; Vague			
81:7	81:25	Vague			
100:1	100:3	Lack of Foundation			
100:6	100:16	Lack of Foundation			
153:5	153:22				
154:4	154:22				

NATALIE GRABARNICK – June 15, 2007 Deposition

Designation Start	Designation End	Defendant's Objections to Plaintiffs' Designations	Defendant's Counter-Designations	Plaintiffs' Objections to Defendants Counter-Designations	Plaintiffs' Counter-Counter Designations
18:17	18:22		12:15-13:7, 13:13-14:6		
19:3	19:7				
19:10	19:11				
21:17	22:12				
57:18	57:22	Beyond the Scope of the 30(b)(6); FRE 802			
57:25	57:25	Beyond the Scope of the 30(b)(6); FRE 802			
60:11	60:16				

AMENDED APPENDIX J**Barr Laboratories' Deposition Designations****GREGORY ALCORN**

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
8:20-8:22				
11:18-12:2				
12:18-12:21				
18:19-19:2				
19:5-19:18				
31:19-32:4				
33:21-34:11				
52:6-52:13		52:6-52:19	FRE 105, FRE 802	
52:20-53:15				
54:16-55:4		54:16-55:10	FRE 105, FRE 802	
55:11-55:14		55:11 – 55:21	FRE 105, FRE 802, 55:15-19 Nonresponsive	
55:22-56:8		55:22-56:14	FRE 105, FRE 802, 59:9-14 Beyond the Scope of the Designation	
64:11-65:10				
77:10-77:18		77:10-78:16	FRE 105, FRE 802, 78:2-5, 7-13 Nonresponsive, Beyond the Scope of the Designation	
81:3-81:10				
81:12-82:11				
83:3-83:19		83:20-84:2	FRE 105, FRE 802	

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
84:3-84:7				
84:12-84:17				
84:23-85:4				
87:17-87:18				
87:20-88:8				
89:3-89:8				
89:10-89:12		89:13-89:16	FRE 105, FRE 802	
89:17-90:19		90:21-91:6	FRE 105, FRE 802	
93:2-93:5				
103:14-103:17				
104:1-104:4				
104:9-104:13				
128:24-129:1				
129:6-129:8				
129:10-129:19				
129:23-130:10				
132:13-132:21				
134:15-134:18				
134:20-134:21				
134:23-135:3				
138:3-138:12				
140:19-141:3				
141:6-141:8				
150:6-150:20				
165:16-166:19				
167:4-167:23				
175:2-175:11				
178:2-179:1				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
180:18-181:4		181:3-181:5	FRE 105, FRE 802, 181:5 Beyond the Scope of the Designation	
188:20-189:21				
205:7-205:11		205:12-205:15	FRE 105, FRE 802, Beyond the Scope of the Designation	
211:10-211:11				
211:18-212:1				
212:23-213:3				
213:10-213:15				
213:18-213:21				
215:1-215:13				
217:24-218:8				
218:10-218:16				
231:7-232:15				
233:19-233:24				
234:3-234:9				
271:15-272:9				
280:8-280:11				
280:13-281:6		281:7-281:22	FRE 105, FRE 802	
281:23-282:2				
301:6-301:7		301:9-301:11	FRE 105, FRE 802, Beyond the Scope of the Designation	
301:12-302:22				
303:11-303:20				
		319:20-22	FRE 105, FRE 802, Beyond the Scope of the	

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
			Designation	
		328:13-23	FRE 105, FRE 802, Beyond the Scope of the Designation	
340:7-340:17				
		349:10-23	FRE 105, FRE 802, Beyond the Scope of the Designation	

DONALD HEALD

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
8:19-8:21				
16:2-16:8		15:6-15:11 16:2-16:8	FRE 105, FRE 802	
16:9-16:15				
19:8-20:1		19:8-20:1	FRE 105, FRE 802	
26:10-26:13				
26:14-27:14		26:14-27:14	FRE 105, FRE 802	
62:23-63:6				
108:10-109:13				
120:16-120:17				
		129:11-130:6	FRE 105, FRE 802, Beyond the Scope of the Designation	
155:4-155:7				
162:16-163:1				
163:4-163:12				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
163:14-163:24				
164:2-165:22				
165:24-166:1				
166:23-167:4				
243:23-244:3				
244:6-244:22				
246:11-246:14				
246:18-247:1				
247:3-248:6				
249:11-249:15				
249:23-250:10				

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BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
8:3-8:5				
9:19-10:1				
15:8-15:24				
20:16-20:18				
22:23-23:7				
26:12-26:13				
26:19-26:21				
27:3-27:8				
28:6-28:16				
31:20-31:25				
32:1-32:1				
32:2-32:11				
32:14-32:21				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
33:15-33:18				
34:1-34:1				
37:15-37:23				
38:2-38:3				
38:11-38:14				
38:16-38:19				
38:21-38:23				
39:17-39:23				
39:25-40:3				
40:5-40:6				
42:7-42:13				
42:16-42:19				
42:24-43:8				
43:18-43:19				
49:13-49:15				
49:19-49:22				
50:1-50:1				
51:21-51:25				
52:10-52:14				
55:15-55:18				
55:21-55:23				
56:4-56:5				
56:7-56:18		56:12-56:18	FRE 105, FRE 802	
56:21-56:25		56:21-56:25	FRE 105, FRE 802	
57:12-15				
57:17-21				
57:24-58:3				
58:12-14				
58:17-58:23				
59:1-59:21				
60:4-60:6				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
60:9-60:10				
63:23-63:25				
64:3-64:6				
64:9-64:11				
64:14-64:18				
64:21-65:3				
65:5-65:12				
70:15-70:16				
70:19-70:22				
70:25-71:1				
78:15-79:7				
88:7-88:9				
88:11-88:18				
90:2-90:4				
90:7-90:8				
90:11-90:16				
91:4-91:6				
91:9-91:11				
92:24-93:9				
93:12-93:20				
94:19-94:25				
95:2-95:11				
95:14-96:1				
100:13-101:4				
101:25-102:13				
102:16-103:3				
		103:13-103:25	FRE 105, FRE 802, Beyond the Scope of the Designation	
105:24-106:3				
106:8-106:17				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
106:20-106:25				
107:8-107:10				
107:13-107:21				
108:10-108:14				
110:3-110:4				
110:7-110:8				
111:17-111:19				
111:23-112:2				
112:6-112:13				
112:18-112:20				
112:24-113:1				
113:5-113:6				
113:11-113:12				
113:17-113:18				
113:23-113:24				
114:4-114:18				
116:23-117:8				
123:8-123:13				
123:16-123:21				
123:24-124:3				
124:6-124:9				
124:11-124:11				
124:16-124:20				
124:23-124:23				
126:17-126:18				
126:22-126:24				
127:3-127:4				
136:16-136:17				
136:20-136:20				
143:14-143:18				
143:24-143:25				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
144:14-144:20				
145:2-145:5				
145:10-145:12				
145:15-145:22				
145:25-146:4				
146:7-146:9				
146:13-147:2				
147:14-148:1				
148:16-148:16				
148:19-148:20				
159:2-159:20				
159:23-159:23				
163:4-163:13				
195:19-195:23				
196:1-196:5				
196:12-196:13				
197:6-197:15				
197:18-197:18				
200:13-200:20				
204:22-205:13				
205:15-205:16				
214:1-215:6				
228:16-228:17				
228:20-228:24				
238:12-238:15				
238:18-238:20				
239:7-239:10				
244:16-245:8				
245:16-245:18				
255:18-255:23				
256:2-256:5				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
257:1-257:2				
257:6-257:8				
257:11-257:12				
257:15-257:15				
257:19-257:22				
258:10-258:11				
258:18-258:19				
258:22-258:23				
259:1-259:2				
259:5-259:5				
277:8-277:9				
277:12-277:12				

TIMOTHY LAVERTY

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
7:22-8:1				
12:5-12:9		12:1-4; 12:5-12; 12:13-14		
12:22-13:3		12:15-13:10	FRE 105, FRE 802	
32:24-33:21		33:22-34:5 34:7-34:10	FRE 105, FRE 802	
34:21-35:4				
35:7-35:16				
35:18-35:19				
48:14-49:1				
49:5-49:19				
		51:10-51:17	FRE 105, FRE 802, Beyond the Scope of the Designation	

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
56:5-57:4				
60:10-60:13		60:10-60:19	FRE 105, FRE 802	
60:22-62:16				
64:10-64:24				
65:5-65:7				
70:15-70:17				
70:21-70:22				
71:2-71:21				
75:20-76:6				
79:1-79:4		79:1-79:10 79:20-80:4	FER 105, FRE 802 (79:1-4) Non-Responsive	
80:7-80:10				
80:12-81:8				
81:10-81:14				
81:18-81:22				
83:9-84:6				
84:9-84:13				
84:17-85:1				
90:7-90:7				
90:12-90:13				
90:18-90:20				
100:2-100:4				
100:11-100:13				
100:15-100:16				
100:22-101:1				
101:3-101:10				
101:23-102:2				
102:6-102:7				
102:12-102:13				
109:7-109:18				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
109:22-110:1				
110:2-110:6				
110:11-110:15		110:16-110:19		
126:6-126:13				
127:2-127:17				
129:18-129:23				
134:21-136:2				
141:13-141:15				
141:18-141:22				
141:24-142:4				
144:16-144:18		144:21-144:24		
145:1-145:2				
292:23-293:18				
293:21-293:23				
294:20-294:21				
295:1-295:5				
320:5-320:15				
320:18-320:21				
355:15-355:15				
355:18-356:3				
		357:2-358:4	FRE 105, FRE 802, Beyond the Scope of the Designation	
361:17-361:18				
361:20-361:21				
362:1-362:2				
362:4-362:8				
363:1-363:2		362:16-363:6	FRE 105, FRE 802	
363:7-363:10				
363:17-363:17				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
380:5-380:5				
380:8-380:18				
380:20-380:23				
381:11-381:13				
381:19-382:10				
382:14-382:17				

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BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
13:18 to 14:10				
27:18 to 27:23				
119:24 to 120:1				
122:11 to 122:20				
123:18 to 123:22				
125:6 to 125:15				
130:5 to 130:21				
131:1 to 131:3				
132:1 to 132:5		131:12-131:15; 131:19-131:25		131:4-131:11
132:8 to 132:9				
144:22 to 145:6				

CHRISTINE ZAK

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
10:3-10:8				
25:8-25:10				
31:4-31:6				
34:6-34:13		34:2-34:5	FRE 105, FRE 802	
		54:5-54:15	FRE 105, FRE 802, Beyond the Scope of the Designation	
59:1-59:2				
59:4-59:25		60:4-60:7		
		66:16-66:24	FRE 105, FRE 802, Beyond the Scope of the Designation	
78:22-78:23				
79:1-79:6				
79:9-79:10				
107:14-107:18				
111:15-111:20		111:23-111:23	FRE 105, FRE 802	
111:23-112:5				
114:24-115:1				
115:3-115:7				
115:10-115:18		115:19-117:6	FRE 105, FRE 802	117:7-10, 13, 18-21, 24-25
117:7-117:10				
117:13-117:13				
117:18-117:21				
117:24-117:25				
120:14-120:16				
120:19-120:22				
120:25-121:2				
145:11-145:12				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
145:14-145:24				
147:3-147:5				
147:7-147:17				
148:23-148:25				
153:16-153:17				
153:20-153:23				
154:21-155:2				
155:13-156:5				
156:8-156:18				
156:21-156:24				
157:2-157:5				
157:8-157:8				
159:1-159:4				
159:7-159:10				
159:13-159:13				
175:14-176:10				
176:13-176:19				
176:23-176:25				
177:3-177:4				
177:7-177:8				
177:11-177:15				
177:18-177:18 177:21-178:12		181:5-181:13; 183:21-184:2	FRE 105, FRE 802, Beyond the Scope of the Designation	
178:16-178:17				
184:21-184:25				
185:2-185:19				
186:7-186:9				
187:23-189:1				
189:21-190:6				
227:21-227:22		225:9-227:20	FRE 105, FRE 602, FRE	

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
			701, FRE 802, Beyond the Scope of the Designation	
227:25-228:1				
		253:24-254:1	FRE 105, FRE 802, Beyond the Scope of the Designation	
259:6-259:9		259:10-259:11	FRE 105, FRE 802, Beyond the Scope of the Designation	
259:12-259:18				
260:17-260:19				
260:22-261:1		261:2-261:8	FRE 105, FRE 802	
262:13-262:15				
262:18-262:20				
262:23-262:23				
267:19-267:21				
267:23-268:7		268:8-268:14	FRE 105, FRE 802	

AMIRA ZEEVI

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
6:12-6:14				
6:19-6:22				
15:4-15:9				
63:3-63:4				
63:7-63:14				
63:23-63:25				
64:3-64:13				
64:25-65:8				

BARR DESIGNATION	PLAINTIFFS' OBJECTIONS	PLAINTIFFS' COUNTER DESIGNATIONS	BARR'S OBJECTIONS TO COUNTER DESIGNATIONS	BARR'S COUNTER COUNTER DESIGNATIONS
65:11-65:11				
65:13-65:13				
65:25-66:15		66:16-66:17; 66:20-66:21	FRE 105, FRE 802	
67:16-67:23				
67:25-68:4		68:5-68:5; 68:7-68:11; 68:14-68:14	FRE 105, FRE 802	
68:24-69:1				
69:6-69:16				
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